

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: 5b South Inch Court, Perth, PH2 8BG

Description: Change of use of flat to short-term let unit

Application for Review by Mr R Kaskar against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01028/FLL

Application Drawings: 23/01028/1 23/01028/2

Date of Review Decision Notice – 26 June 2024

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting held on 12 February 2024. The Review Body resolved that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- 1.2 Following receipt of the requested information, the PKLRB convened on 13 May 2024. The Review Body comprised Councillor B Brawn, Councillor K Harvey and Bailie M Williamson.
- 1.3 The following persons were also present at the meeting:

G Fogg, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Committee Officer.

Also attending:

A Brown and S Dockerill (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

2. Proposal

- 2.1 The proposal is for the change of use of flat to short-term let unit, 5b South Inch Court, Perth, PH2 8BG. The application was refused consent in terms of a decision letter dated 3 October 2023.

3. Preliminaries

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 3 October 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representations to the planning application;
 - (vii) further information from the planning officer, as requested by the PKLRB on 12 February 2024, and comments from the applicant.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, the grounds for the Notice of Review, and the planning officer's response and applicant's comments following the deferral.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The members of the PKLRB were unanimous in their conclusion that the Proposal was contrary to both the National Planning Framework 4 and Perth Kinross Local Development Plan 2 (2019) components of the development plan. The property lies within what is a clear residential area. The change of use to the commercial activity of short term let accommodation is likely to be to the detriment of other residential occupants, some of whom had objected to the application. The premises necessitated some shared areas with these

other residents. They were not persuaded that the use of the property for long terms leasing would have a comparable impact on the amenity of the area. There were no material considerations which supported the proposal as a development plan departure. They agreed with the reasons for refusal of the appointed officer.

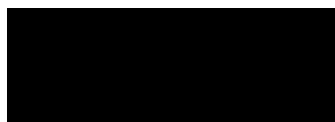
4.3 Accordingly, the PKLRB refused the review application for the following reasons:

- (1) The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i. An unacceptable impact on local amenity and character of the area: and
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- (2) The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking and Policy 17 d) Residential Area as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

4.4 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.